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July 13, 2018

BY E-FILEING & HAND DELIVERY

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street, Room 6124, Unit 26
Wilmington, DE 19801-3556

Re: International Business Machines Corp. v. Groupon, Inc., C.A. No. 16-122 (LPS)

Dear Chief Judge Stark,

I write on behalf of non-party Alibaba Group Holding Limited (“Alibaba”) which is a party to a Patent Assignment Agreement and a Patent Cross License (together, the “Alibaba Agreements”) with plaintiff International Business Machines Corporation (“IBM”), which Alibaba understands may be disclosed during the trial in this matter. Counsel was retained by Alibaba only last night in connection with Alibaba’s interests in protecting from disclosure certain highly confidential, commercially sensitive information within the Alibaba Agreements.

Alibaba is aware of Your Honor’s instructions at the hearing held earlier today in connection with applications made by several similarly situated non-parties for protective orders regarding their respective patent licensing agreements. Accordingly, I write to inform the Court that Alibaba is in the process of contacting counsel for the parties so that it can participate in the meet-and-confer process ordered by the Court to ensure that Alibaba’s confidential and commercially sensitive information is protected to the greatest extent possible. Alibaba looks forward to working with those parties to propose appropriate redactions and other mechanisms to protect limited highly sensitive portions of the Alibaba Agreements from harmful public dissemination.

Undersigned counsel is available at the Court’s convenience to address any questions.

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Respectfully,

/s/ Travis S. Hunter

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TSH/afg

cc: Jared R. Friedmann, Esquire
Jessie B. Mishkin, Esquire